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Minutes of Meeting
Grafton Planning Board
November 10, 2014

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A regular meeting of the Grafton Planning Board was held on November 10, 2014 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Vice-Chair Michael Scully, Clerk Sargon Hanna, Robert Hassinger, Linda Hassinger and Associate Member Andrew Clarke. Absent: Chairman David Robbins. Staff present were Town Planner Joseph Laydon, Assistant Planner Ann Morgan.

Vice Chairman Scully called the meeting to order at 7:00 p.m.

1. PUBLIC INPUT

None.

ACTION ITEM 2A: APPROVE 2015 PLANNING BOARD YEARLY SCHEDULE

The Board reviewed the draft schedule. No changes were made.

MOTION by Mrs. Hassinger, **SECOND** by Mr. Hanna to accept the draft 2015 Planning Board meeting schedule as presented. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 2B: CONSIDER DECISION – SCENIC ROAD PERMIT 2014-2 – NATIONAL GRID (APPLICANT) – MULTIPLE LOCATIONS – TREE WORK WITHIN THE TOWN'S RIGHT OF WAY

The Board reviewed the draft decision. It was noted that a simple majority vote was required.

MOTION by Mr. Hanna, **SECOND** by Mrs. Hassinger to make favorable findings on F1 through F13 as drafted. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hanna, **SECOND** by Mrs. Hassinger to approve the Scenic Road Permit with Conditions C1 through C8 as drafted. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 2C: REQUEST FOR DETERMINATION OF MINOR MODIFICATION TO SPECIAL PERMIT (SP 1999-10) & SITE PLAN APPROVAL - NEW CINGULAR WIRELESS – WYMAN GORDON – 244 WORCESTER STREET

Jonathan Bain representing the Applicant was present to discuss the request. He reviewed the materials submitted noting that they want to add (co-locate) one new microwave dish and two remote radio heads – all to be mounted on the existing structure in place. There are no plans to remove any existing equipment as part of this application. He noted that the new equipment will not alter or exceed the height or other dimensions of structure as originally approved by the Board. Mr. Hanna asked why they were requesting the additional equipment and it was noted that this would boost the service coverage for AT&T customers.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger to find that the request is a minor modification and to grant the Applicant's request for the minor modification. **MOTION** carried unanimously 4 to 0.

3. DISCUSSION ITEMS

None.

4. STAFF REPORT

Mr. Laydon reviewed a number of work items including:

- "Brookmeadow Village" Subdivision: Site Visit reports from Graves Engineering regarding Brookmeadow Village. It has been recommended that changes to the subdrain system in the right of way be changed in Phase IVB. Graves was of the opinion that, based on the existing soil conditions, the infrastructure was not required as no groundwater was observed at the area in question. The owners of the subdivision would like to request a modification to remove the requirement of that particular piece of the infrastructure. Both Mr. Walsh and Mr. Laydon were in agreement that this should be considered as a minor modification and could be handled administratively instead of requiring a public hearing for a formal modification. Mr. Hanna asked why the condition was in the original permit to which Mr. Laydon noted that it is a standard condition for all projects of this nature. Mr. Hanna asked what would happen if there were future problems and who would fix them. The developer is responsible until the Town votes to accept the roadway and associated infrastructure. Mr. Laydon noted that this particular change would eliminate unneeded infrastructure based on the recommendation of the Town's peer review engineer.
- Staffing Vacancy: work continues in identifying candidates to fill the vacancy left open when Donna Kinchla retired. Staff has been documenting processes in anticipation of training a new employee. A number of new applications have been received in the office which has kept staff busy.

5. BILLS

The bills were circulated and signed.

6. MINUTES OF PREVIOUS MEETINGS

No draft minutes were available. The item was tabled to the following meeting.

7. CORRESPONDENCE

The Board received correspondence from the Grafton Water District requesting that the Board work towards amending the Zoning Map and the Zoning By-law to revise the Waters Supply Protection Overlay District (WSPOD) to reflect the new Zone 2 delineation recently released by the State. Mr. Hassinger noted that he would like more information about altering a zone that already provides protection. Mr. Laydon noted that a Zone 2 analysis had been recently conducted behind Trinity Avenue which needs to be reviewed with regards to the existing WSPOD delineation. He further

noted that additional information would be forthcoming once he had a chance to review the request with the Grafton Water District.

8. REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

- Economic Development Commission (EDC): Mr. Scully reported that the EDC is scheduled to meet with the Board of Selectmen in January and invited the Planning Board to attend as well. The purpose of the meeting is to further refine an action plan, work items and identify potential zoning initiatives for the May Town Meeting. Mr. Hassinger reviewed the general time line for submitting warrant articles and suggested that they begin seeking input now. Mr. Scully suggested that the Planning Board conduct a workshop in December.
- Central Massachusetts Regional Planning Commission (CMRPC): Mr. Hassinger reported that he had attended a meeting of the Transportation Planning Committee. The Town should seek CMRPC support to advocate for the Main Street Project to be placed on the Transportation Improvement Program (TIP) list. Seeking and receiving assistance from CMRPC requires time and persistence.

9. ONGOING ITEMS

None.

PUBLIC HEARING 10A: SCENIC ROAD PERMIT (SRP 2014-1) – MICHEAL J. POLSELLI (APPLICANT) – KEITH HILL PROPERTIES (OWNER) – RESTORATION OF STONE WALL - 161-163 KEITH HILL ROAD (CONTINUED FROM 10/27/14)

Vice Chairman Scully opened the public hearing which was continued from October 27, 2014. Mr. Laydon stated that a continuance to November 24th is being sought for a number of reasons. He and David Crouse, Tree Warden / Highway Superintendent, met with Mr. Polselli at the site to review the work items relating to the stone wall restoration and plans for improving the drainage along the front of the site. It was discovered that a number of dead or diseased trees were also present and needed to be addressed. Mr. Crouse determined that one tree needed to be removed immediately as it presented an immediate public danger which is within his rights as Tree Warden as outlined in the Town's by-laws. He would arrange to have it removed the following day. It was determined that an additional Scenic Road Permit hearing would be required to address the other diseased trees. Mr. Laydon recommended that the Board continue this public hearing, allow the Applicant to submit a second application to address the diseased trees and then have the Board conduct a joint hearing on both applications to address the whole plan as one.

MOTION by Mrs. Hassinger to grant the Applicant's request to continue the public hearing to November 24, 2014 at 7:30 p.m., **SECOND** by Mr. Hanna. **MOTION** carried unanimously 4 to 0.

PUBLIC HEARING 10B: MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2014-8) – BULL MEADOW LLC, GORDON LEWIS, MANAGER (APPLICANT / OWNER) – RESIDENTIAL DEVELOPMENT – OFF 11 APPALOOSA DRIVE AND 81 & 109R ADAMS ROAD (CONTINUED FROM 10/6/14)

Vice Chairman Scully opened the public hearing which was continued from October 6, 2014. Mr. Laydon presented a request from the Applicant to continue the public hearing to November 24, 2014. The Applicant wished to have Chairman Robbins present to ensure that a full Board membership would be eligible to vote at the close of the public hearing process. Mr. Laydon noted that staff and Graves Engineering haven't had the opportunity to review recently received material and that a continuance would benefit the ongoing project review process.

MOTION by Mr. Hanna to grant the Applicant's request to continue the public hearing to November 24, 2014 at 7:30 p.m., **SECOND** by Mrs. Hassinger. **MOTION** carried unanimously 4 to 0.

PUBLIC HEARING 10C: MODIFICATION OF SPECIAL PERMIT (SP 1996-6) & SITE PLAN APPROVAL – MARK TROIANO / TROIANO TRUCKING (APPLICANT / OWNER) – CHNGES TO A BUILDING ADDITION – 109 CREEPER HILL ROAD

Mr. Hanna read the legal notice and Vice Chairman Scully opened the public hearing. Present for the hearing was Attorney Robert Knapik representing the Applicant. Mr. Knapik reviewed the history of the project and the reason for the request for modification. The Applicant requested a variance from the Zoning Board of Appeals (ZBA) with regards to a front yard set back to accommodate an expanded footprint of main building. The ZBA would not act on the variance request until they received an approved modification of the Site Plan Approval granted by the Planning Board. The change in footprint is needed to accommodate an internal site circulation problem to related to their intake system. The expanded footprint brings the building closer to the drainage system approved by Planning Board and that change has been noted on the revised plan.

Mr. Hassinger asked how much closer to the right of way and if the encroachment would create a hazard for vehicles. Mr. Knapik stated that the new footprint would be thirty two feet set back from the right of way and would not create a travelling hazard for motor vehicles.

Mr. Hassinger asked how this requested modification would impact the original permit and its conditions of approval. Mr. Laydon stated that the Board is only being asked to vote on this one change and that all other conditions of the original permit remain in full force and effect. The modification would only refer to new notation on the revised plan and that it would not supercede any of the underlying conditions set forth in the approved permit. Mr. Knapik stated that this request was not intended to eliminate what was approved in the original permit in 1996 or the subsequent modification in 2013. The Applicant is fully aware that all conditions remain in full force and effect.

There were no additional comments from the Board.

MOTION by Mr. Hassinger to close the public hearing and to direct staff to draft a decision taking into consideration all material and input received on the matter, **SECOND** by Mr. Hanna. **MOTION** carried unanimously 4 to 0.

PUBLIC HEARING 10D: SPECIAL PERMIT (SP 2014-9) – BORREGO SOLAR (APPLICANT) – CRISTY PEASE (OWNER) – SOLAR FARM – 79 OLD UPTON ROAD (CONTINUED FROM 10/27/14)

Vice Chairman Scully opened the public hearing which was continued from October 27, 2014. Present for the hearing was Mr. T. J. Murphy of Borrego Solar to present to the Board. He reviewed work items completed since the last Board meeting including a revised landscape plan, project noise

analysis for the as built site conditions, and line of sight analysis from abutting properties. Specific items discussed included the following:

- **Landscape Plan:** The revised plan shows a more natural approach to screening along both the east and south view sheds to better reduce the visual impacts to the immediate abutters. The sight lines were reevaluated and the new plan would provide a denser screen to block the view of the proposed facility. He noted that the house of the abutter to the east, Mr. Padula, was ten feet lower than the site and that the planting plan would fully screen their line of site. Mr. Hassinger disagreed noting that the abutter is much closer than that. Mr. Murphy agreed to provide information showing how they reached that finding.

The Board discussed a number of questions about the methodology of the sight line analysis from both the east and the south abutter's properties and raised concerns that the analysis was not adequately conducted. Mr. Laydon suggested that the Board conduct a site visit and that areas of concern be staked in the field to show key aspects of the project such as the location of the first row of panels and the access road (see below). Mr. Murphy agreed to work with Mr. Laydon to stake the key areas identified by him and the Board prior to a scheduled site walk.

Mrs. Hassinger asked about the impact to the existing horse paddock between the proposed solar site and Old Upton Road. Mr. Murphy stated that the existing hedgerow and a portion of the existing paddock will be used for the new solar site but that horses will continue to be kept on site with a reconfiguration of the paddock. Mrs. Hassinger asked that the planting plan be sensitive to fact that some plants are poisonous to horses.

The Board reviewed the planting plan with regard to location of proposed plantings. Mr. Laydon noted that installing a fence similar to the horse paddock fence in front of the planting area along with a staggered planting plan would help mitigate the visual impact. Mr. Hassinger added that they should keep all the existing vegetation on the eastern project border be kept as is. Mr. Murphy noted that there is an strip of land between the Applicant's property and the eastern abutter. This strip of land is not a part of the project site but is owned by the Applicant as well and is used to access a larger lot abutting the site to the north. The planting plan does not address that strip of land but new plantings for the site along the site's lot line are proposed. Mr. Hanna disagreed stating that he felt that the proposed plan does not adequately represent existing site conditions and that there was a need for more screening. Mr. Murphy disagreed with Mr. Hanna noting that a site visit would help dispel the Board's concerns and that the plan shows a robust screening plan that will be fully grown within two years.

Joseph Antonellis, representing John and Claire Haggerty of 90 Old Upton Road, stated that his clients would be most directly affected by the solar installation noting that they were very concerned about the visual impacts not only to their property but the whole neighborhood. He stated a that a straight line tree planting plan may not look natural and suggested that the trees be planted in staggered fashion to better reflect the surrounding landscape.

- **Allowable Use:** Several residents and Board members had asked the question of a commercial use in the residential zone that this site is located in. Mr. Laydon reviewed the Zoning By-Law use table (3.2.3.1 – Use Regulation Schedule – Communications, Transportation, Public Utility Uses – Item 7 – Electric generating or distribution station or substation) which states that electric generation facilities are allowed in all zones with a

Special Permit. State law requires that solar be allowed by right. The Grafton Zoning By-law does not make a distinction between commercial solar facilities and personal use solar collection systems.

- **Access Road:** Mr. Hassinger noted that the Fire Department wants to see a clear eighteen foot perimeter around the site for emergency access. Mr. Murphy noted that the plan calls for a clear area of that nature but it's not currently designed to accommodate emergency vehicles. The Fire Department has seen this plan and did not comment on the perimeter access. However, Mr. Murphy stated that he would coordinate another review with the Fire Department to ensure that all their requirements had been met.
- **Fencing:** Mr. Laydon noted that the proposed fence is eight feet in height, chain link with a one inch mesh. This is the standard security fence required by National Grid. Mr. Scully wanted to know why the proposed fence encroaches into the lot set back area. Mr. Murphy noted that fences were allowed within lot setback areas but that there was room to move it if the Board felt it was important. Mr. Laydon noted that fences six feet in height were allowed within the set back but anything over that height was not allowed. The Applicant can choose to reduce the fence height to six feet or move it out of the set back area. Mr. Scully stated that visual impacts were a major concern and that line of sight for the abutters was a significant element. The location and height of the proposed fence needed to be adjusted to reduce the impacts as much as possible. Mr. Murphy stated that he would make those adjustments. Mr. Antonellis requested that the color of the fence be black to lessen the visual impact.
- **Principal Uses / Approval Not Required Lot (ANR):** Attorney Joseph Antonellis raised concerns about two principal uses on one lot. The residential use of the lot is the principal use. The proposed solar farm is also considered a principal use as it will be owned and operated by a commercial entity (National Grid) and is not accessory for personal use associated with the residential use. He stated that he was unaware that the Town's Zoning By Law allowed this. Each principal use is required to be on its own lot. Mr. Antonellis stated that the Applicant would have to seek to divide the lot via the ANR process prior to construction. Mr. Hassinger noted that there was ample frontage to create an ANR lot to accommodate the proposed solar farm.
- **Surety – Maintenance and Decommissioning:** Mr. Antonellis raised the issue of surety. He asked that the Board require some form of bond to address decommissioning of the site at the end of its "life" and to address maintenance issues in the event that the Applicant does not maintain the site. He noted that this would be in the best interest of the Town and the abutters.
- **Construction Staging Impacts:** Mr. Antonellis raised concerns about the proposed staging area for the construction phase noting that it is planned for the front of the site which will have a negative visual impact on his client who is directly across the street. He asked that the Board require the Applicant to change the location.
- **Utility Connection:** Mr. Murphy reviewed the utility connection from site to the overhead power lines. The plan call for an above ground connection with underground wiring to a certain point on the site where it goes above ground to poles running along the access road. An overhead connection will be made from the site to the existing pole across the street. Mr. Antonellis stated that this plan would cause a negative visual impact the abutter across the

street as his driveway and the proposed access road are directly across the street from each other. He asked if the lines could be run underground and under the roadway and then come above ground at the pole in which the connection would be made. Mr. Murphy noted that the utility service who will manage the facility, National Grid, prefers to the above ground connection plan as presented and that they don't like to go under roads. Mr. Hassinger asked if that were due to a cost factor to which Mr. Murphy stated that he didn't know why. Mr. Antonellis asked that the Applicant make a formal query with National Grid and have them submit a letter stating their policy and preference.

- **Site Visit:** The Board agreed that a site visit would be helpful and important to better understand issues related to sight lines and the proposed landscape plan. Mr. John Haggerty of 90 Old Upton Road stated that he would like to attend along with the Board. He expressed his concern and skepticism about the landscape plan with regards to visual impact to abutting properties. He further suggested that Mr. James Padula, the abutter on Browns Road, be invited as well. Mr. Laydon stated that he would arrange the site visit and would notify the abutters as well.
- **Abutters Comments:** The Board noted that it had received a number of comments from residents and abutters expressing concerns about the project.

MOTION by Mr. Hanna to grant the Applicant's request to continue the public hearing to December 8, 2014 at 7:30 p.m., **SECOND** by Mr. Hassinger. **MOTION** carried unanimously 4 to 0.

ADJOURNMENT

MOTION by Mr. Hanna, **SECOND** by Mrs. Hassinger to adjourn the meeting. **MOTION** carried unanimously 4 to 0.

The meeting was adjourned at 8:47 p.m.



Sargon Hanna, Clerk

EXHIBITS

- **Action Item 2A: Approve 2015 Planning Board Yearly Meeting Schedule**
 - Draft 2015 Planning Board Meeting Schedule, 2 pages.
- **Action Item 2B: Consider Decision – Scenic Road Permit 2014-2 – National Grid (Applicant) – Adams Road, Meadowbrook Road, Merriam Road & Wesson Road – multiple locations – tree trimming / pruning / removal within the Town's right of way**

- Draft Decision, Scenic Road Permits SRP 2014-1 & 3, Michael Polselli (Applicant / Owner) – 161-163 Keith Hill Road – tree work and reconstruction of stonewall; 8 pages.
- **Action Item 2C: Request for Determination of Minor Modification to Special Permit (SP 1999-10) and Site Plan Approval – new Cingular Wireless, LLC (Applicant) – Wyman Gordon Corporation (Owner) – Microwave Dish Upgrade – 244 Worcester Street**
 - Correspondence, Infinigy Solutions, At& T Microwave Dish Upgrade @ 244 Worcester Street; dated October 14, 2014, received October 15, 2014; 1 page.
 - Plan Set, AT&T – Grafton – Worcester Street, FA Number 10072323, Nova ID: NE-MW-93505; prepsed by Infinigy Engineering; 11” x17”, black & white; 11 sheets as follows:
 - T1: Title Sheet
 - C-1: General Notes
 - C-2: Overall Site Plan
 - C-3: Platform Plan
 - C-4: Building Elevation
 - C-5: MW Dish Attachment Details
 - C-6: Radio Mount Detail
 - E-1: Electrical Details
 - E-2: Grouding Riser Diagram
 - E-3: Grounding Details
 - E-4: Grounding Details
- **Public Hearing 10A: Scenic Road Permit (SRP 2014-1) – Michael J. Polselli (Applicant) – Keith Hill Properties (Owner) – Restoration of Stone Wall – 161-163 Keith Hill Road (continued from 10/27/14)**
 - No exhibits
- **Public Hearing 10B: Major Residential Special Permit (MRSP 2014-8) Bull Meadow, LLC, Gordon Lewis, Manager (Applicant/Owner) – Application for Special Permit/Preliminary Plan Approval for a Major Residential Development (17-lot new & 1 existing Conventional Plan / 20-lot new & 1 existing Flexible Plan) with access off Appaloosa Drive and Bridle Ridge Drive, on property located at 11 Appaloosa Drive and 81 & 109R Adams Road.**
 - Correspondence from Ken Sherman, 89 Adams Road; dated October 7, 2014, received October 8, 2014; 1 page.
 - Memorandum from Grafton Fire Department Re: Special Permit (MRSP 2014-8) Bull Meadow, LLC Residential Subdivision; dated October 8, 2014, received October 9, 2014; 1 page.
 - Email correspondence from Stephen Burke, 1 Appaloosa Drive - Bull Meadow; received October 14, 2014; 1 page.
 - Email correspondence from Patrick McCarty, RE: November 10th Continued Hearing; received November 1, 2014; 1 page.
 - Plan Set, Preliminary Conventional Subdivision Plans, August 27, 2014 (Revised 11/4/2014); prepared by McCarty Engineering, Inc.; received November 6, 2014; 11” x 17”, black & white; 6 sheets as follows:
 - Cover Sheet

- 1: Overall Conventional Subdivision Plan
 - 2: Preliminary Conventional Subdivision Plan Sheet 1
 - 3: Preliminary Conventional Subdivision Plan Sheet 2
 - 4: Preliminary Conventional Subdivision Profile Sheet 1
 - 5: Preliminary Conventional Subdivision Profile Sheet 2
- Plan Set, Preliminary Flexible Subdivision Plans, August 27, 2014 (Revised 11/4/2014); prepared by McCarty Engineering, Inc.; received November 6, 2014; 11" x 17", black & white; 6 sheets as follows:
 - Cover Sheet
 - 1: Overall Flexible Subdivision Plan
 - 2: Preliminary Flexible Subdivision Plan Sheet 1
 - 3: Preliminary Flexible Subdivision Plan Sheet 2
 - 4: Preliminary Flexible Subdivision Profile Sheet 1
 - 5: Preliminary Flexible Subdivision Profile Sheet 2
- **Public Hearing 10C: Modification of Special Permit (SP 1996-6) & Site Plan Approval – Mark Troiano / Troiano Trucking (Applicant / Owner)** – Application for Modification of Special Permit / Site Plan Approval for changes to a building additional on approximately 5.2 acres on property located at 109 Creeper Hill Road.
 - Correspondence from Graves Engineering, Troiano Trucking, 109 Creeper Hill Road, Site Plan Review; dated November 7, 2014; received November 10, 2014; 4 pages.
 - Correspondence from ASA Engineering, Troiano Trucking, 109 Creeper Hill Road, Response to Peer Review; dated October 22, 2014; received October 27, 2014; 1 page.
 - Plan; Building Addition Site Plan for 109 Creeper Hill Road, Grafton, MA; prepared by ASA Engineering; dated August 11, 2014, revised through October 22, 2014; received October 27, 2014; 24" x 36", black & white; 1 sheet.
 - Project Review Memorandum, Grafton Fire Department; received November 1, 2014; 1 page.
 - Project Review Memorandum, Conservation Commission; received October 2, 2014; 2 pages.
 - Project Review Memorandum, Grafton Water District; received October 21, 2014; 1 page.
 - Project Review Memorandum, Sewer Department; received October 21, 2014; 1 page.
 - Project Review Memorandum, Treasurer / Collector's Office; received October 20, 2014; 1 page.
 - Email correspondence from Graves Engineering, Triano (sic) Trucking Modification; received October 20, 2014; 2 pages plus the following attachment:
 - Correspondence from Graves Engineering, Troiano Trucking, 109 Creeper Hill Road, Site Plan Review; dated September 23, 2014; 5 pages.
 - Unbound Application Packet submitted by Mark Troiano, Troiano Realty LLC (Applicant); received October 14, 2014; includes the following:
 - Application for Modification of Site Plan Approval; Troiano Realty LLC; dated and received October 14, 2014; 1 page.

- Certificate of No Appeal, Grafton Zoning Board of Appeals; Case # 2014-791 – Special Permit; Mark Troiano (Petitioner / Owner); 1 page.
- Plan; Building Addition Site Plan for 109 Creeper Hill Road, Grafton, MA; prepared by ASA Engineering; dated August 11, 2014, revised through September 22, 2013; 24" x 36", black & white; 1 sheet.
- **Public Hearing 10D: Special Permit (SP 2014-9) – Borrego Solar, LLC (Applicant) – Cristy Pease (Owner) – Solar Farm – 79 Old Upton Road** – Application for Special Permit / Site Plan Approval for construction of a new 650 kw Solar Energy Generating Facility
 - Email Correspondence from Rick Anderson; received October 31, 2014; 1 page.
 - Email Correspondence from James & Nancy Padula; received November 1, 2014; 1 page.